

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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NEHEMIAH KINGSBERRY

-v-

ORDER OF DISMISSAL FOR
LACK OF ACTIVITY
CV 15-5015 (JS) (GRB)

SUFFOLK CO. CORRECTIONS
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APPEARANCES:

FOR PLAINTIFF(S):
Nehemiah Kingsberry, *Pro Se*
265 Elmore St.
Central Islip NY 11722

FOR DEFENDANT(S):
Arlene Zwilling, Esq.
Suffolk Co. Department of Law
P.O. Box 6100
Hauppauge NY 11788

SEYBERT, DISTRICT JUDGE:

The above-captioned action was opened with the filing of a complaint on Aug. 19, 2015.

At the second of two scheduled court appearances at which the plaintiff failed to appear before Magistrate Judge Gary R. Brown, defense counsel made an oral motion to dismiss. Judge Brown then issued a Report and Recommendation on the record that the case be dismissed for failure to prosecute on Jun. 19, 2017. There has been no objection received, and the Report and Recommendation is ADOPTED.

IT IS HEREBY ORDERED that the motion be GRANTED and that the case be DISMISSED without prejudice for lack of prosecution, pursuant to Rule 41(b), Federal Rules of Civil Procedure. The Clerk of Court is directed to enter judgment and mark the case closed.

SO ORDERED.

/s/ JOANNA SEYBERT
JOANNA SEYBERT, U.S.D.J.

Dated: Central Islip, New York
Sep. 22, 2017